

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:	§	
	§	
DEEPROOT CAPITAL MANAGEMENT,	§	BANKRUPTCY NO. 21-51523-MMP
LLC ET AL., ¹	§	
DEBTORS	§	JOINTLY ADMINISTERED
	§	

**TRUSTEE’S WITNESS AND EXHIBIT LIST FOR APRIL 29, 2025 HEARING ON
MOTION TO APPROVE COMPROMISE AND SETTLEMENT UNDER BANKRUPTCY RULE 9019
WITH MARK ALAN ZABINSKI [RELATING TO ADV. ECF NO. 342]**

TO THE HONORABLE MICHAEL M. PARKER, UNITED STATES BANKRUPTCY JUDGE:

John Patrick Lowe, Plaintiff and Chapter 7 Trustee herein (“**Trustee**”) hereby files this
Witness and Exhibit List for the hearing on April 29, 2025 on the following matter:

MATTERS TO BE HEARD:

*Motion to Approve Compromise and Settlement Under Bankruptcy Rule 9019 with Mark Alan Zabinski (the “**Motion**”),*

TRUSTEE’S WITNESSES:

Trustee designates the following witnesses:

1. J. Patrick “Pat” Lowe, Chapter 7 Trustee of the jointly administered bankruptcy estates
2. Mark Zabinski
3. Any witness called or designated by any other party;
4. Any rebuttal or impeachment witnesses, as necessary; and
5. Any person present at the Hearing (live or via WebEx)

Trustee reserves the right to amend or supplement this list at any time prior to the hearing.

¹ The jointly administered chapter 7 cases, along with their respective case numbers and the last four digits of each Debtor's federal tax identification number, are: *In Re: Policy Services, Inc.*, 21-51513 (2864); *In Re: Wizard Mode Media, LLC*, 21-51514 (3205); *In Re: deeproot Pinball LLC*, 21-51515 (0320); *In Re: deeproot Growth Runs Deep Fund, LLC*, 21-51516 (8046); *In Re: deeproot 575 Fund, LLC*, 21-51517 (9404); *In Re: deeproot 3 Year Bonus Income Debenture Fund, LLC*, 21-51518 (7731); *In Re: deeproot Bonus Growth 5 Year Debenture Fund, LLC*, 21-51519 (9661); *In Re: deeproot Tech LLC*, 21-51520 (9043); *In Re: deeproot Funds LLC*, 21-51521 (9404); *In Re: deeproot Studios LLC*, 21-51522 (6283); and *In Re: deeproot Capital Management, LLC*, 21-51523 (2638) (collectively, the “**Bankruptcy Cases**”).

TRUSTEE'S EXHIBITS

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
T-1	Settlement Agreement between Trustee and Mark Zabinski				
	Any exhibits designated by any other party				
	Any rebuttal or impeachment exhibits				

Trustee reserves the right to amend or supplement this list at any time prior to the hearing.

Dated April 25, 2025

PULMAN, CAPPUCCIO & PULLEN, LLP
2161 NW Military Highway, Suite 400
San Antonio, Texas 78213
www.pulmanlaw.com
(210) 222-9494 Telephone
(210) 892-1610 Facsimile

By: /s/ Randall A. Pulman

Randall A. Pulman
Texas State Bar No. 16393250
rpulman@pulmanlaw.com
W. Drew Mallender
Texas State Bar No. 24118450
dmallender@pulmanlaw.com

**ATTORNEYS FOR CHAPTER 7 TRUSTEE,
PLAINTIFF**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2025, a true and correct copy of the foregoing document has been furnished via electronic mail to all parties receiving notice by CM/ECF, and to other parties in interest via email as set forth below; a copy of the exhibit has been served to these same parties via email:

Via CM/ECF: pat.lowe.law@gmail.com

John Patrick Lowe
2402 East Main Street
Uvalde, TX 78801

Via email: mcolvard@mdtlaw.com

Michael G. Colvard
MARTIN & DROUGHT, P.C.
112 West Pecan Street, Suite 1616
San Antonio, TX 78205
Attorneys for Mark Zabinski

Via email: terpening@terpeninglaw.com

William R. Terpening
TERPENING LAW
221 West 11th Street
Charlotte, NC 28202
Attorneys for Mark Zabinski

Via CM/ECF:

USTPRegion07.SN.ECF@usdoj.gov

Aubrey.thomas@usdoj.gov

United States Trustee - SA12/ A. Thomas
615 E Houston, Suite 533
San Antonio, TX 78295-1539

Via CM/ECF: dodda@sec.gov

Angela D. Dodd
U. S. Securities and Exchange Commission
175 Jackson Blvd. Suite 900
Chicago, IL 60604

Via Counsel email:

catherine.curtis@wickphillips.com

jason.rudd@wickphillips.com

Policy Services, Inc.
deeproot Pinball, LLC
deeproot Growth Runs Deep Fund, LLC
deeproot 575 Fund, LLC
deeproot 3 Year Bonus Income Fund, LLC
deeproot BonusGrowth 5 Year Debenture Fund, LLC

deeproot Tech, LLC
deeproot Funds, LLC
deeproot Studios, LLC
deeproot Capital Management, LLC
12621 Silicon Dr.
San Antonio, TX 78249

Via Counsel Via CM/ECF:

catherine.curtis@wickphillips.com

jason.rudd@wickphillips.com

Wizard Mode Media, LLC
12227 S. Business Park Drive, Suite 130
Draper, UT 84020

Via CM/ECF:

catherine.curtis@wickphillips.com

jason.rudd@wickphillips.com

Catherine A. Curtis/Jason M. Rudd
WICK PHILLIPS GOULD & MARTIN, LLP
3131 McKinney Ave, Suite 500
Dallas, TX 75204

Via CM/ECF: don.stecker@lgbs.com

Don Stecker
Linebarger Goggan et al.
112 E. Pecan, Suite 2200
San Antonio, TX 78205

Via CM/ECF: rbattagliaw@outlook.com

Raymond W. Battaglia
LAW OFFICES OF RAY BATTAGLIA, PLLC
66 Granburg Circle
San Antonio, TX 78218

Via CM/ECF: jpetree@mcsllaw.com

Jonathan Petree
MCGUIRE, CRADDOCK & STROTHER, P.C.
500 N. Akard Street Suite 2200
Dallas, TX 75201

Via CM/ECF: jdunne@smfadlaw.com

John C. Dunne
SHANNON, MARTIN et al.
1001 McKinney Street #1100
Houston, TX 77002

Via CM/ECF: bk-cmurphy@oag.texas.gov

Texas Workforce Commission
c/o Christopher S. Murphy
TEXAS ATTORNEY GENERAL'S OFFICE
PO Box 12548
Austin, TX 78711

Via CM/ECF: pautry@branscomblaw.com

Patrick H. Autry
BRANSCOMB PLLC
4630 N. Loop 1604 West, Suite 206
San Antonio, TX 78249

Via CM/ECF: lmjurek@jureklaw.com

Lynne M. Jurek
THE JUREK LAW GROUP, PLLC
4309 Yoakum Blvd.
Houston, TX 77006

Via CM/ECF:

stephen.humeniuk@lockelord.com

Stephen J. Humeniuk
LOCKE LORD LLP
600 Congress Avenue, Suite 2200
Austin, TX 78701

Via CM/ECF: tcunningham@lockelord.com

Thomas J. Cunningham
Locke Lord LLP
777 South Flagler Drive #215
West Palm Beach, FL 33401

/s/ Randall A. Pulman

Randall A. Pulman